

## CHRISTOPHER J P MIERS

BA (Hons), DipArch, MSc (Constr.Law), DipICarb, RIBA, FCI Arb, MAE

**Profile:** Christopher Miers is Chartered Architect, Chartered Arbitrator, Mediator, Adjudicator and a Dispute Board Member, qualified both as an architect and in construction law. He is the CEO of 'Probyn Miers', the leading team in the UK in Forensic Analysis and International Dispute Avoidance and Resolution with offices in London and Dubai.



**Expertise:** With over 35 years of experience he is regularly instructed in respect of the negotiation, avoidance and resolution of construction and infrastructure disputes.

Experienced in Africa, Asia, Caribbean, CIS, Europe, GCC and MENA, and Latin America.

**Nationality:** British

**Languages:** English (mother tongue)  
Spanish (intermediate)  
French (spoken)

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### General Professional Profile

- Thermonuclear Experimental Reactor DAB, France: Dispute Board Member on a 6-person Board. A €15 billion ITER Power Generation project (European Community Atomic Energy Treaty – Joint Undertaking - Fusion for Energy) for a nuclear fusion reactor forming the world's largest plasma tokamak (2012-current).
- Transport infrastructure DAB, Ecuador: Dispute Board Member nominated to the 3-person Board. A €1.5 billion new underground Metro line 22 km tunnel with 13 stations and associated support facilities and infrastructure. (2016-current).
- Transport infrastructure DAB, GCC region: Dispute Board Member nominated to the 3-person Board for a single line new under/over ground Metro line, stations, interchanges and

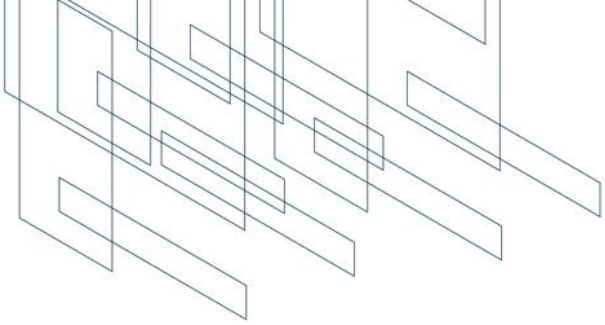
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associated infrastructure in (current).

- Transport infrastructure, GCC region: Expert witness (architect) on two Metro lines project in JV consortium / sub-consultant dispute, involving deep underground and elevated stations, viaducts and associated infrastructure (2018-current).
- Governmental DAB, Kosovo: Dispute Board sole member appointed by the FIDIC President. Two Ad Hoc appointments in connection with a government building project (2015-16).
- Sports facilities and infrastructure DAB, Peru: Dispute Board Chairman selected to three 3-person Boards, for international sports facilities. Appointment not proceeded with (2018).
- Mixed use development, UAE: Mediator appointment by the FIDIC President, in respect of a design dispute. 2015.
- London Crossrail metro stations: Adjudicator Member on the Conflict Avoidance Panel for Transport for London and Crossrail contractors as part of the £15 billion investment program (2014-current).
- Sports infrastructure, DAB implementation, Brazil: Co-leader for the creation and implementation of Dispute Board provisions for the Rio 2016 Olympic and Paralympic Games overlay contracts; and on the Chairman's panel (2014-16).
- Commercial high-rise and mixed used complex DAB, Sudan: Dispute Board Member on a 3-person Board. The DB was introduced late, mid-project, via contract modifications following resolution of a major dispute, running through to post-completion without further disputes (2008-11).
- ICC Tribunal expert, Ukraine: Addressing the site investigation and application of Russian, Ukrainian and European standards to multiple issues in respect of allegedly defective design and construction (2007-8).
- Named Adjudicator in project contracts, including for Canary Wharf Developments, Bloomberg HQ London, Westfield Centre London.
- Founder in 1998 of Probyn Miers, the UK's leading consultancy of specialist architects in dispute avoidance and resolution, with offices in London and Dubai. Probyn Miers has been appointed on over 1200 domestic and international projects.
- Past Visiting Professor at Peking University School of Transnational Law and visiting lecturer at Universities in UK, lecturing on international Mediation and Dispute Resolution.
- Extensive experience as Arbitrator and Adjudicator in over 125 construction disputes.
- Experienced Mediator in over 50 mediations.
- Extensive experience as Expert Witness in over 250 cases in arbitration, litigation, mediation and adjudication, including ICC Tribunal expert and Single Joint Expert appointments.
- His advisory and dispute resolution roles have covered a wide range of multi-disciplined building and infrastructure projects worldwide: in Azerbaijan, Bahrain, Brazil, Caribbean, Costa Rica, Ecuador, France, India, Ireland, Italy, Japan, Kazakhstan, Kosovo, Morocco, Nepal, New Zealand, Oman, Peru, Portugal, Qatar, Sudan, Tanzania, United Arab Emirates, Ukraine and the United Kingdom.

### **Particular technical expertise**

- Complex technical engineering and construction coordination between civil engineering, structure, MEP and architectural design.
- Quality of construction, materials and workmanship, including nuclear facilities.

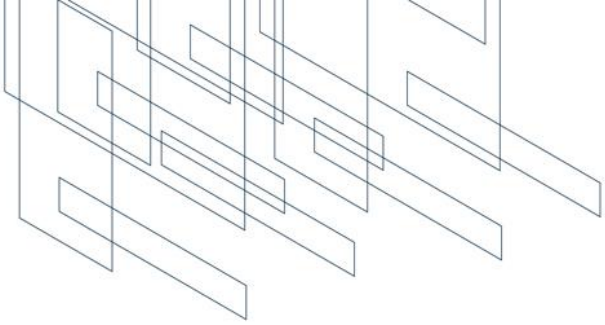
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- Delay and disruption; extensions of time; suitability and timing of design information; programming; preparation and issue of construction information.
  - Interpretation of contractual obligations.
  - Taking Over and completion of the works.
  - Project design and construction - all forms, including associated infrastructure; power station; hospitals/medical & laboratory; high-rise/tower buildings; international airports; international hotels; sports and leisure; urban regeneration, civil works, national heritage buildings; retail and housing.
  - Contract experience with FIDIC (1999 onwards, all forms), JCT (all forms), NEC3, AIA, RIAI and other standard and specialist forms.

#### **International Dispute Resolution Panel Membership**

- FIDIC President's List of Approved Dispute Adjudicators
- DRBF Dispute Resolution Board Foundation, Past President (International region) and past Chair for Dispute Board training worldwide
- DIAC Dubai International Arbitration Centre, Listed Arbitrator
- CIArb Panel Listed Arbitrator and Adjudicator
- RICS Dispute Board panel member and MENA Arbitrator

#### **UK Dispute Resolution Panel Membership**

- RIBA Panel Listed Arbitrator, Adjudicator and Mediator
- RIBA representative to the UK Construction Industry Council Appeals Tribunal, and an RIBA representative on the Joint Contracts Tribunal
- CEDR Panel Listed Mediator and Adjudicator
- RICS Panel Listed Arbitrator, Adjudicator and Dispute Board Member
- CIOB Panel Listed Adjudicator
- Resolex Panel Listed Construction Mediator
- Contractors' Legal Group, Listed Adjudicator
- CIC Panel Adjudicator

#### **Membership of Professional Bodies:**

- FIDIC President's List Adjudicator
- CIArb Fellow (Chartered Institute of Arbitrators, UK)
- RIBA (Royal Institute of British Architects)
- RICS MENA Arbitrator and Dispute Board member
- Past Chairman of the Society of Construction Law, UK
- DRBF - Dispute Resolution Board Foundation
- SCA Arbitrator (Society of Construction Arbitrators UK)
- Freeman and Liveryman, Worshipful Company of Arbitrators
- Member, Academy of Experts

#### **Qualifications**

- Bachelor of Arts(Hons.) degree, University of Bristol (1979)
- Diploma in Architecture, University of Bristol (1982)
- Master's degree in Construction Law & Arbitration, Kings College, University of London (1991)

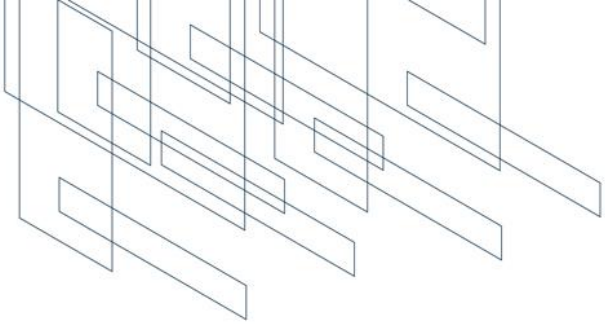
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- Diploma in International Commercial Arbitration, CIArb at Keble College, Oxford (2008)
  - Chartered Architect
  - Chartered Arbitrator
  - Accredited Mediator, CEDR
  - Fellow, Chartered Institute of Arbitrators, UK
  - Member, Royal Institute of British Architects

## **Publications**

### Books

- Delay and Disruption in Construction Contracts, 5th Edition, publ. Informa Law from Routledge. Contributing author on Dispute Boards.
- Architect's Legal Handbook. Publ. Architectural Press. Contributor 8th & 9th editions (guide to Mediation)
- Protocol for Determining Extensions of time and Compensation for Delay and Disruption. 1<sup>st</sup> edition, SCL. Contributor.
- Hospital Design Guide (main entrances). Publ. HMSO & NHS Estates. Author
- Hospital Design Guide (day nurseries). Publ. HMSO & NHS Estates. Author
- Kirtipur, Nepal. Publ. Araxus Books. Contributor (Newari House)

### Recent articles (a selection)

- Presented numerous papers for lectures and training workshops on construction dispute resolution issues, including FIDIC contracts, BIM, Dispute Boards, Adjudication and Expert evidence worldwide.
- 'Dispute Resolution in Rio de Janeiro... Since you cannot Delay the Olympic Games'. May 2015, Construction Law Journal & Kluwer Arbitration Blog.
- 'The use of BIM in FIDIC contracts', papers presented to several FIDIC Users' conferences
- 'Enforcement of International Commercial Mediation Settlement Agreements', July 2016, Perspective Journal.
- 'DABs and DRBs: a comparison and commentary'. DRBF Forum magazine
- 'UAE Fire Risks: A tall concern' MEIR News, Dubai, April 2016 co-author
- 'El uso de la adjudicación en el Reino Unido', Arbitraje y resolución de controversias, Tecniberia, Spain.
- 'The Use of Adjudication DRBs', article, DRBF Forum magazine.
- 'Changing legal landscape', article, CES Construction Law Review.
- 'Investigation of defects', article, Construction Law Journal.
- 'Benefit from a Dispute Resolution Board on your Project' article ( Probyn Miers' Perspective Newsletter)
- TEDx LA Carolina, Quito (March 2014): How to avoid a disagreement escalating into a dispute.
- Regular articles in Probyn Miers' Perspective Newsletter'.